

AMENDED IN ASSEMBLY APRIL 30, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2687

Introduced by Assembly Member Gallegos

February 23, 1998

An act to amend Section ~~2220.5~~ of 2102 of, and to repeal Section 2101 of, the Business and Professions Code, relating to physicians and surgeons.

LEGISLATIVE COUNSEL'S DIGEST

AB 2687, as amended, Gallegos. Medical Board of California: ~~investigations and disciplinary actions~~ licensure.

Existing law provides for the licensure of physicians and surgeons by the Medical Board of California.

Existing law contains provisions applicable to applicants who are not citizens and have not filed an application for citizenship, who have received instruction outside of the United States and Canada, and provisions applicable to citizens or persons who have filed an application for citizenship whose professional instruction was acquired other than in the United States or Canada.

This bill would repeal the former provisions and make the latter provisions applicable, as specified, to all applicants whose professional instruction was acquired other than in the United States or Canada.

~~Existing law provides that the Medical Board of California is the only licensing board that may investigate or commence disciplinary actions relating to physicians and surgeons who~~

~~have been issued a certificate. For these purposes “investigate or commence disciplinary actions” is defined to mean written, oral, or telephonic communication with a physician or surgeon concerning his or her violation of the Medical Practice Act.~~

~~This bill would add to that definition electronic communication with a physician or surgeon concerning his or her violation of the act.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 2220.5 of the Business and~~
2 ~~Professions Code is amended to read:~~

3 ~~2220.5. (a) The Medical Board of California is the~~
4 ~~only licensing board that may investigate or commence~~
5 ~~disciplinary actions relating to physicians and surgeons~~
6 ~~who have been issued a certificate pursuant to Section~~
7 ~~2050.~~

8 ~~(b) For purposes of this section, “investigate or~~
9 ~~commence disciplinary actions” shall mean written, oral,~~
10 ~~electronic, or telephonic communication with a physician~~
11 ~~or surgeon concerning his or her violation of the Medical~~
12 ~~Practice Act.~~

13 ~~(c) Written complaints that are subject to Section~~
14 ~~43.96 of the Civil Code, relating to the professional~~
15 ~~conduct or professional competence of physicians and~~
16 ~~surgeons, shall be processed in accordance with that~~
17 ~~section.~~

18 ~~SECTION 1. Section 2101 of the Business and~~
19 ~~Professions Code is repealed.~~

20 ~~2101. Any applicant who is not a citizen of the United~~
21 ~~States or otherwise does not qualify for licensure as a~~
22 ~~physician and surgeon under Section 2102 whose~~
23 ~~professional instruction was acquired in a country other~~
24 ~~than the United States or Canada shall provide evidence~~
25 ~~satisfactory to the Division of Licensing of compliance~~
26 ~~with the following requirements in order to be issued a~~
27 ~~physician and surgeon’s certificate:~~

1 ~~(a) Completion in a medical school or schools a~~
2 ~~resident course of professional instruction equivalent to~~
3 ~~that required by Section 2089 and issuance to the~~
4 ~~applicant of a document acceptable to the division which~~
5 ~~shows final and successful completion of the course.~~

6 ~~(b) Admission or licensure to practice medicine and~~
7 ~~surgery in a country or other state of the United States~~
8 ~~wherein licensure requirements are satisfactory to the~~
9 ~~division.~~

10 ~~(c) Certification by the Educational Commission for~~
11 ~~Foreign Medical Graduates, or its equivalent, as~~
12 ~~determined by the division. This subdivision shall apply~~
13 ~~to all applicants who are subject to this section and who~~
14 ~~have not taken and passed the written examination~~
15 ~~specified in subdivision (c) prior to June 1, 1986.~~

16 ~~(d) Satisfactory completion of the postgraduate~~
17 ~~training required under Section 2096. An applicant shall~~
18 ~~be required to have substantially completed the~~
19 ~~professional instruction required in subdivision (a) and~~
20 ~~shall be required to make application to the division and~~
21 ~~have passed steps 1 and 2 of the written examination~~
22 ~~relating to biomedical and clinical sciences prior to~~
23 ~~commencing any postgraduate training in this state. In its~~
24 ~~discretion, the division may authorize an applicant who~~
25 ~~is deficient in any education or clinical instruction~~
26 ~~required by Sections 2089 and 2089.5 to make up any~~
27 ~~deficiencies as a part of his or her postgraduate training~~
28 ~~program, but any such remedial training shall be in~~
29 ~~addition to the postgraduate training required for~~
30 ~~licensure.~~

31 ~~(e) Pass the written examination as provided under~~
32 ~~Article 9 (commencing with Section 2170) and an oral~~
33 ~~examination. An applicant shall be required to meet the~~
34 ~~requirements specified in subdivision (c) prior to being~~
35 ~~admitted to the written examination required by this~~
36 ~~subdivision.~~

37 ~~Nothing in this section prohibits the division from~~
38 ~~disapproving any foreign medical school or from denying~~
39 ~~an application if, in the opinion of the division, the~~
40 ~~professional instruction provided by the medical school~~

~~or the instruction received by the applicant is not equivalent to that required in Article 4 (commencing with Section 2080).~~

SEC. 2. Section 2102 of the Business and Professions Code is amended to read:

2102. Any applicant who ~~either~~ (1) is a United States citizen ~~or~~, (2) has filed a declaration of intention to become a United States citizen, a petition for naturalization, or a comparable document, *or* (3) *is admitted or licensed to practice medicine and surgery in a country or other state of the United States wherein licensure requirements are satisfactory to the division,* whose professional instruction was acquired in a country other than the United States or Canada shall provide evidence satisfactory to the Division of Licensing of compliance with the following requirements to be issued a physician and surgeon's certificate:

(a) Completion in a medical school or schools of a resident course of professional instruction equivalent to that required by Section 2089 and issuance to the applicant of a document acceptable to the division which shows final and successful completion of the course.

(b) Certification by the Educational Commission for Foreign Medical Graduates, or its equivalent, as determined by the division. This subdivision shall apply to all applicants who are subject to this section and who have not taken and passed the written examination specified in subdivision (d) prior to June 1, 1986.

(c) Satisfactory completion of the postgraduate training required under Section 2096. An applicant shall be required to have substantially completed the professional instruction required in subdivision (a) and shall be required to make application to the division and have passed steps 1 and 2 of the written examination relating to biomedical and clinical sciences prior to commencing any postgraduate training in this state. In its discretion, the division may authorize an applicant who is deficient in any education or clinical instruction required by Sections 2089 and 2089.5 to make up any deficiencies as a part of his or her postgraduate training

1 program, but any such remedial training shall be in
2 addition to the postgraduate training required for
3 licensure.

4 (d) Pass the written examination as provided under
5 Article 9 (commencing with Section 2170) and an oral
6 examination. An applicant shall be required to meet the
7 requirements specified in subdivision (b) prior to being
8 admitted to the written examination required by this
9 subdivision.

10 Nothing in this section prohibits the division from
11 disapproving any foreign medical school or from denying
12 an application if, in the opinion of the division, the
13 professional instruction provided by the medical school
14 or the instruction received by the applicant is not
15 equivalent to that required in Article 4 (commencing
16 with Section 2080).

